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10/588,710	08/07/2006	Brad A. Lovett	60,158-294PUS1	4638

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EXAMINER

JACOBSON, MICHELE LYNN

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1782

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to request for reconsideration dated 4/19/10

Applicant has asserted on page 6 of the remarks that the fact that aromatic polyamides are defined by a lack of aliphatic units in the main chain is not well known in the polymer art and that somehow this definition runs counter to what is stated in the specification and claims. It is noted by the examiner that the passage referred to by applicant states "The layer 22 is made of an aromatic polyamide and includes amide groups (refers to the chemical group CNOH_2) and aromatic rings. At least a portion of the amide groups are attached to the aromatic rings". This is an accurate description of aromatic polyamides because they are indeed only made up of aromatic rings and polyamide groups, which is not contrary to the statement of the examiner and therefore supports the examiner's official notice of facts well known to those of ordinary skill in the art. Applicant's description of an aromatic polyamide makes no mention of aliphatic chain units. Applicant's specification refers to polyamide 9T which is not an aromatic polyamide but is instead a polyamide *copolymer* comprising aromatic groups. Nonetheless, even taking the definition of aromatic polyamide to include copolymers of polyamides with aromatic groups, the amide groups are linking groups and therefore would necessarily be attached to the aromatic group. Therefore, the examiners assertion that aromatic polyamides read on the limitations of the claims is still proper under applicant's interpretation and the rejection is deemed proper.

Applicant states on page 6 of the remarks that "It is improper to interpret claim language in a manner that will read a limitation out of the claim". It is unclear to the

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examiner what legal standard applicant is applying in this assertion. The instantly pending claims were given the broadest reasonable interpretation of one of ordinary skill in the art. An aromatic polyamide having 100% of the amide groups attached to aromatic rings meets the limitation of the claim and therefore does not read the limitation out of the claim. Applicant's assertion is therefore not found persuasive.

Applicant's assertion that the limitation of the percentage of amide groups attached to the aromatic rings is directed to the chemical structure of the aromatic polyamide rather than the total amount of aromatic polyamide present is not found persuasive since the instantly pending claims have no limitations regarding the chemical structure of the polyamide claimed aside from the recitation that it is aromatic. Applicant has not presented any evidence as to why the chemical structure of the aromatic polyamide recited by Jadamus would not meet the limitations of the claims and as stated above, the amount of polyamide groups attached to aromatic rings is directly related to the amount of aromatic polyamide present. If applicant wishes to make arguments about chemical structure, the examiner suggests that limitations regarding actual chemical structure (i.e. identity of the polyamide) be included in the claims.

Applicant's assertion on page 7 of the remarks that "there is no reason for modifying Jadamus as suggested by the examiner" is directly refuted by paragraph 9 of the previous office action. The burden on the examiner was to provide a motivation for increasing the amount of aromatic polyamide, not for modifying the chemical structure of the polyamide as suggested by applicant since structural limitations are not interpreted to be present in the claims. Furthermore, the examiner never suggested

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that the amount of amide groups attached to aromatic rings was a result effective variable as asserted by applicant on page 7, only that the amount of aromatic polyamide present resulted in an invention that read on applicant's claims. Therefore applicant's assertions are not found persuasive.

In response to applicant's arguments against the references individually on page 7 of the remarks, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

/M. J./

Examiner, Art Unit 1782

/Rena L. Dye/

Supervisory Patent Examiner, Art Unit 1782